

MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM, VILLAGE HALL, ON WEDNESDAY, JUNE 2, 1999.

Members Present: Peter Lilienfield
Allen Morris, Secretary
Patrick Natarelli

Members Absent: Patrick J. Gilmartin
William Hoffman

Also Present: Kevin J. Plunkett & Lino J. Sciarretta, Village Counsel
Brenda Livingston, Joseph Elliot & Jon Jenkins, Ad Hoc Planning Board Members
Richard Fon, Building Inspector
Florence Costello, Planning Board Clerk
Thomas Jackson & Maryann Dooley, ECB Members
J&L Reporting Service for Westwood Development Associates
Members of the Public.

IPB Matters

Considered:

94-03 -- Westwood Development Associates

Sht.10,P25J2,25K2,Sht.10C,B1.226,Lots 25A,26A.

98-44 -- Ciccio & Chernick

Sht. 10C, Bl. 226, Lot 25

99-11 -- Ettore & Maria D'Alessio

Sht. 13, P-141K

99-23 -- Irvington Associates - Hawkes Close

Sht. 12B, Lot 25 & 31

99-26 -- Joel & Sheri Poznanski

Sht. 10C, Bl. 226, Lot 20

99-27 -- Jeffrey Link

Sht. 13B, P-98

99-31 -- Danfor Realty Co. (Fatato Subdivision)

Sht. 13B, P-5 P5C

99-32 -- Janet & Jerry Carrus

Sht. 7, Bl. 11, Lot 5

99-33 -- Mackie & Martucci Subdivision

Sht. 2, P-109P12

99-34 -- Arthur Semetis

Sht. 12B, Lot 35

Mr. Peter Lilienfield, Acting Chairman, called the meeting to order at 8:00 p.m.

With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the agenda were current as to taxes and fees.

IPB Matter #99-26:

Application of Joel & Sheri Poznanski for Waiver of Site Development Plan Approval for property at 74 Riverview Road.

Mr. Poznanski appeared personally with William Sharp, Architect. This review was carried over from the May meeting. Mr. Poznanski produced a planting diagram which Mr. Park, a concerned neighbor, had signed. Questions as to the topography and Mr. Mastromonaco's memo dated 5/5/99 were discussed. Mr. Sharp also noted there are no significant changes to the existing contours and no trees will be removed as confirmed by the Board's inspection. Plans entitled, Alterations and Additions, Poznanski Residence, dated March 22, 1999 (5 sheets), were submitted.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application.

IPB Matter #99-32:

Application of Janet & Jerry Carrus for Waiver of Site Development Plan Approval for property at 52 Ardsley Avenue West.

A. Jay Hibbs, Architect, appeared for the Applicant. Applicant paid the required application fee and furnished evidence of mailing of required Notice to Affected Property Owners. The proposed development consists of removing an existing wood shed on the northeast corner of the property and constructing a 1 1/2 story, 34 ft. x 35 ft. pool house in its place. Drawings submitted were: Existing & Proposed Site Plans, prepared by Arthur Jay Hibbs, Architect dated May 21, 1999, Sheet SP1, Proposed Pool House, prepared by Arthur Jay Hibbs Architect, dated May 21, 1999, Sheets A1 and A2, and Survey of Property, prepared for Janet Carrus in the Village of Irvington, Town of Greenburgh, dated January 25, 1999 by Ward Carpenter Engineers, Inc.

The Chairman read a letter from the ZBA dated April 21, 1999 which confirmed that the front yard for this property was along Ardsley Avenue West. Discussion followed regarding cabana setback and distance from pool. The Board was assured there would be no kitchen or bedroom in the cabana, and the cabana would not be used as a second house, and that construction would not affect the existing willow tree. The Chairman, with the Board's concurrence, stated that the Application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from the public.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist to make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application subject to the condition that 1) there would be no kitchen or bedroom in the cabana, 2) the cabana would not be used as a second house, and 3) construction would not affect the existing willow tree between the pool and proposed cabana.

IPB :Matter #99-34:

**Application of Arthur Semetis for Site
Development Plan Approval for property at
35 North Brook Lane, Lot #35, Legend Hollow.**

Mr. Craig Studer appeared for the Applicant. Applicant paid the required application fee and submitted evidence of publication and mailing of required Notice to Affected Property Owners. The proposed development consists of extension of an existing deck, stone retaining walls not to exceed four feet high, a fence on top of a portion of the retaining walls and associated landscaping. Plan entitled Semetis Residence Deck Addition and Retaining Wall, Legend Hollow Lot #35 prepared by Studer Design dated May 26, 1999, was submitted.

There was considerable discussion on the proposed fence atop the wall, with the Building Inspector indicating that the combined height of the wall plus fence should be considered. The Board agreed to a site walk prior to the July meeting. The Chairman, with the Board's concurrence, stated that the application for the deck addition would be treated as a Request for Waiver of Site Development Plan Approval with consideration of the walls and fence to be settled subsequent to the site walk. There were no comments from the public.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed addition meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not have any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for the deck addition component of this Application.

IPB Matter #99-31:

Application of Danfor Realty for an Informal Discussion for Subdivision of property (Fatato) at Harriman Road between Shady Lane and Park Road.

Paul J. Petretti, Civil Engineer and Land Surveyor, made an informal presentation to the Board outlining the applicant's plan for an eight lot subdivision that will create six new lots ranging in size from 0.5 to 1.45 acres with an average lot size of 0.9 acres on Harriman Road and Shady Lane. Two of the lots will be for the existing residences on the premises. There was considerable discussion advising the Applicant of various Planning Board concerns including access, setbacks, lack of survey, slope calculations and drainage. .Mr. Mastromonaco's notes,

dated June 2, 1999, were cited, as well as road grades and site concerns. The applicant indicated that he would provide Mr. Mastromonaco with the requested maps showing slopes for calculation of site capacity. The application was carried over to the July 7, 1999 meeting pending comment from the ECB.

IPB Matter #99-33:

Application of Robert & Katherine Mackie and Katherine Martucci for an Informal Discussion for Subdivision of property North of Bridge St.

Norman Sheer, Esq., appeared for the Applicant, for an informal discussion regarding subdivision of a two acre vacant parcel of land on the north side of Bridge Street parallel to lands of Conrail railroad tracks, into two lots. Questions of access and frontage were raised as the property relies upon an easement, and Hudson River Scenic Property regulations were of concern. A Planning Board site walk prior to the next meeting was proposed. The application was carried over to the July 7, 1999 meeting pending comments from the Environmental Conservation Board.

IPB Matter #99-23:

Application of Irvington Associates for property at Lot(s) 25 & 31, Legend Hollow.

Although appearing on the agenda, there was no representation from Irvington Associates the application was carried over to the July 7, 1999 meeting.

IPB Matter #98-44:

Application of Joseph & Denise Ciccio and Mitchell & Sheri Chernick for subdivision of property at Riverview Road.

Norman Sheer, Esq., appeared for the Applicant, and submitted evidence of mailing of the required Notice to Affected Property Owners for tonight's public hearing. Tom Jackson indicated that the ECB would advise against the use of septic systems for these sites, which he characterized as "extraordinarily prone to failure", the applicant indicated that they will attend the upcoming ECB meeting to discuss this and other issues. Mr. Tischelman reiterated his concerns with the drainage and septic systems leading onto his property and Marshall's Pond. Mrs. Luburic noted that the septic issue could be resolved through the installation of 600 feet of sewer line, as was required for her property. Mr. Sonn raised the issue of drainage where the proposed road would meet the existing pavement. Mr. Felix was concerned about vehicular access to the paper street and its impact on Riverview Road. Mr. Pateman reiterated his willingness to relinquish his right of access to the paper street subsequent to the approval of the Westwood development, and indicated that the design of the roadway as presently proposed would prohibit further connections by other adjoining property owners. The Board advised the Applicant that the site could be developed without use of the paper street by relying on vehicular access from the water tower site, as envisioned in the original agreement between the Village and Dr. Hu dated March 22, 1989. The applicant indicated that they

would respond to the Board's preference to use this access, and the application was carried over to the July meeting.

IPB Matter #99-27:

Application of Jeffrey Link for Waiver of Site Development Plan Approval for property at 28 Lewis Road.

Mr. Padraic Steinschneider appeared for the Applicant. This application was carried over from the May 5, 1999 meeting. Mr. Steinschneider assured the Board his current site plan was the same as original and building additions were less than a 15% increase. Mr. Derby, a neighbor, wanted additional tree protection, drainage to stay the same, and more trees planted. Mr. Steinschneider advised he would comply. The Board discussed Manning Road, a paper road which bisects the property. Kevin Plunkett, Village Counsel, indicated that he will verify the status of Manning Road, to see if it had been de-mapped as part of the Hartz/Legend Hollow subdivision approval process. He indicated that the Board could waive site development plan approval subject to his research, oversight by the Building Inspector, and other conditions as set by the Board..

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval and a Type II Action for SEQRA purposes. There were no comments from the public.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Lane Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application, subject to: 1) Village Counsel's findings that Manning Road, a paper street, had been demapped, or its existence would not otherwise affect the location of the improvements or affect compliance with the Village's setback requirements as indicated by the zoning ordinance; 2) the installation of additional tree protection during construction, 3) the installation of a limits of disturbance fence to be placed between the house and the hay bales being used as a silt fence.

IPB Matter #99-11:

**Application of Ettore & Maria D'Alessio
for Amended Site Development Plan Approval
for property at 27 & 29 Hamilton Road.**

Norman Sheer, Esq., appeared for the Applicant, and furnished evidence of mailing to Affected Property Owners. The Board was advised that the ZBA at its April 20, 1999 meeting had granted a variance from the provisions of Sec. 243-3 of the Irvington Zoning Code which limit the above grade height of a cellar. As there was confusion as to whether the Notice had been properly worded, the application was held over to July.

IPB Matter #94-03:

**Application of Westwood Development
Associates, Inc., for Limited Site Development
Plan Approval for property at Broadway,
Riverview Road and Mountain Road.**

Messrs. Padraic Steinschneider and Charles Pateman appeared for the Applicant. Applicant distributed and presented the following plans: 1) FEIS Tract "A" Alternative prepared by Cronin Engineering, P.E., P.C., dated 4/27/99 last revised 5/19/99 (Sheet 1 of 3), 2) FEIS Tract "A" alternative Access Plan prepared by Cronin Engineering, P.E., P.C., dated 4/27/99 last revised 5/19/99 (Sheet 2 of 3) and 3) FEIS Tract "B/C" alternative, prepared by Cronin Engineering, P.E., P.C., dated 4/27/99 last revised 5/19/99 (Sheet 3 of 3), dealing with changes made to the plans subsequent to the Board's 5/10/99 site walk.

A special meeting is proposed on June 23, 1999 at 8:00 p.m. at which time the Board will review Tim Miller's comments on the FEIS. Mr. Pateman advised the Board that he had received a letter from the Fire Department indicating that a 12 foot wide pavement on the private drive on Tract A leading to Marshall's Pond would be acceptable. Considerable discussion was held on the proposed modifications to the road through the School leading to Tract A. Don Marra indicated that these plans had been forwarded to the School's traffic consultants for review and comment. The plans also show an emergency access road leading into Fieldpoint Drive, it was agreed that such road would be gated. Further discussion was held on the visibility of houses from adjoining properties, the saving of trees on the site, the Village's compost facility, and the school bus pick-up/drop off area to be provided at the entrance to Tract B/C along Peter Bont Road. Mr. Gilmartin's letters regarding sidewalks, the compost facility, and the location of detention basins were read into the minutes.

A complete stenographic transcript of the proceeding relating to this matter was prepared and is incorporated herein by reference.

The Board then considered the following administrative matters:

- The next regular meeting of the Planning Board is scheduled for July 7, 1999.

- A site walk for the Semetis property (IPB #99-34) and Mackie-Martucci property (IPB #99-33) was set for Saturday, June 19, 1999.
- A Special Meeting of the Planning Board will be held on Wednesday, June 23, 1999 for Westwood Development.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Allen Morris, Secretary

